

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

TRACY KENYON SEXTON

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Case No. 4:02cr~~54~~⁵²
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 6, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Mandy Griffith.

On January 23, 2003, Defendant was sentenced by the Honorable Paul Brown to one hundred and five (105) months' custody followed by three (3) years of supervised release for the offense of Felon in Possession of a Firearm. On September 14, 2011, Defendant's supervised release was revoked and Defendant was sentenced to imprisonment for seven (7) months followed by twenty-nine (29) months of supervised release. On October 30, 2011, Defendant completed his period of imprisonment and began service of his new supervised term.

On January 28, 2013, the U.S. Probation Officer executed a First Amended Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated a mandatory and standard condition. Violation of the standard allegation was dismissed by the Government. The petition alleged violation of the following additional mandatory condition: the defendant shall not commit another federal, state, or local crime.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining allegation. The Court recommends that Defendant's supervised release be revoked. Defendant's

federal custody began on March 29, 2013.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of seventeen (17) months with no supervised release to follow. It is also recommended that Defendant be housed in the El Reno unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 6th day of June, 2013.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE